

Responsive to the determination of lack of unity set forth in the outstanding Official Action, Applicants hereby provisionally elect Group II, claims 2-4, with traverse.

As for the election of species requirements imposed in the Official Action, Applicants hereby elect the species involving methods for CD 4+ cell separation, with traverse. It is believed that claims 2-4 and 11-13 read on the provisional elected species. As declared in the outstanding Official Action, claims 1, 8-10, and 17 are considered generic.

The grounds for traverse are as follows:

I am not interested

The claims as pending in the present national stage application were subject to examination during the international phase of the PCT application. The International Examiner found no lack of unity, applying the same legal standard to the identical facts. Thus, it is respectfully submitted that the United States Patent Office cannot now contend the examination of the pending claims in the present application would pose an undue searching burden. Indeed, the U.S. Examiner has the considerable benefit with the search results generated by the international examination.

Furthermore, the Official Action does not explain why, applying identical legal standards to the identical claims, the opposite result is now being reached in the present United States national phase application, relative to the international application.

While it is true that the International Examiner cites several references, the International Examiner did not find a lack of unity. Thus, it is respectfully submitted that the lack of unity determination is improper.

no way
At the very least, it is respectfully submitted that groups II and V should be examined together. It is believed that the groups have the CD 4+ antibody in common as a technical feature. Plainly any search for art relevant to group II would reveal all prior art relevant to group V, and visa versa; indeed, the Official Action does not contend otherwise.

Please charge the fee of \$108.00 for the addition of six claims of any type in excess of the 28 originally paid for to Deposit Account No. 25-0120.

In light of the above discussion, therefore, it is believed that Applicants are entitled to an action on the merits of all the pending claims, in their full scope, in the present application. Such action is accordingly respectfully requested.

Respectfully submitted,

YOUNG & THOMPSON

By

Philip DuBois

Philip DuBois, #50,696
Attorney for Applicant
745 South 23rd Street, Suite 200
Arlington, Virginia 22202
Telephone: (703) 521-2297

PD/psf
November 13, 2002